Document No. 110
Adopted at Meeting of July 14, 1960

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY CONCERNING THE ORDER OF TAKING FOR THE WHITNEY REDEVELOPMENT PROJECT

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated July 14, 1960 relating to the Land Assembly and Redevelopment Plan for the Whitney Redevelopment Area, be executed together with a plan consisting of one (1) sheet, dated March 15, 1960, revised March 31, 1960, and drawn by Henry F. Bryant & Son Inc., Engineers, Brookline, Mass., which plan is entitled "Property Line Map, Whitney Redevelopment Area", all of which are incorporated herein and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk; and

BE IT FURTHER RESOLVED that the Secretary shall deposit with the Mayor of the City of Boston, Massachusetts, security to the said Mayor's satisfaction for the payment of such damages as may be awarded in accordance with the law by reason of the taking therein made.

(Order of Taking - Whitney)
2d pt. of Doc. 110)
(Adopted at Meeting of July 14, 1960)

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

RESOLUTION

BE IT RESOLVED by the Boston Redevelopment Authority that an ORDER OF TAKING dated July 14, 1960 relating to the Land Assembly and Redevelopment Plan for the Whitney Redevelopment Area, be executed together with a plan consisting of one (1) sheet, dated March 15, 1960, revised March 31, 1960, and drawn by Henry F. Bryant & Son Inc., Engineers, Brookline, Mass., which plan is entitled "Property Line Map, Whitney Redevelopment Area", all of which are incorporated herein and made a permanent part of these proceedings, a copy of which the Secretary shall cause to be recorded in the office of the Registry of Deeds for the County of Suffolk; and

BE IT FURTHER RESOLVED that the Secretary shall deposit with the Mayor of the City of Boston, Massachusetts, security to the said Mayor's satisfaction for the payment of such damages as may be awarded in accordance with the law by reason of the taking therein made.

A true copy

ATTEST: Kane Simonian

Secretary of the Boston Redevelopment Authority

CERTIFICATE

I hereby certify that the following names constitute the entire membership of the Boston Redevelopment Authority.

Joseph W. Lund
Francis J. Lally
James G. Colbert
Melvin J. Massucco
Stephen E. McCloskey

A true copy

ATTEST: Kane Simonian

Secretary

THE COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

BOSTON REDEVELOPMENT AUTHORITY

ORDER OF TAKING

WHEREAS, the Boston Redevelopment Authority, a public body politic and corporate, duly organized and existing pursuant to the provisions of the Housing Authority Law of The Commonwealth of Massachusetts (appearing in Massachusetts General Laws (Ter. Ed.) Chapter 121, as amended) and having its principal office in Boston, Suffolk County, Massachusetts, in pursuance of its powers as set out in said Housing Authority Law and every other power thereunto enabling, determined that the area or areas hereinafter described within the City of Boston constitute a substandard and decadent area as defined in section 26J of the Housing Authority Law, and further determined in accordance with section 26KK of said Law that a project for the assembly and redevelopment of said area, hereinafter called the "Whitney Redevelopment Project", ought to be undertaken in said City; and

WHEREAS, on August 26, 1959 the Redevelopment Authority approved and adopted a Land Assembly and Redevelopment Plan, as defined in said section 26J, for the redevelopment of said area, said plan being entitled "Land Assembly and Redevelopment Plan for the Whitney Redevelopment Area"; and

WHEREAS, the Planning Board of said City, the City Council of said City, and the State Housing Board have severally approved said Redevelopment Plan and project and made appropriate findings in connection therewith, all in accordance with the provisions of law; and

WHEREAS, the City of Boston and said Redevelopment Authority have entered into an agreement, dated August 26, 1959 and entitled "Cooperation Agreement", providing among other things for a contribution by said City in connection with the carrying out and completion of said Redevelopment Plan; and

WHEREAS, the Emergency Finance Board, established under Section 1 of Chapter 49 of the Acts of 1933, has approved borrowings by the City of Boston for the purposes of the Whitney Redevelopment Project in accordance with Section 26DD of the Housing Authority Law; and

WHEREAS, hearings on said Redevelopment Plan and the Whitney Redevelopment Project have been held, including hearings by the said Redevelopment Authority and by the State Housing Board; and

WHEREAS, the Redevelopment Authority has determined that the taking in fee simple by eminent domain of said area, as hereinafter described, is necessary and reasonably required to carry out the purposes of the Housing Authority Law and said Redevelopment Plan; and

WHEREAS, the Redevelopment Authority in accordance with the provisions of Section 26P, sub-paragraph (b), of said Housing Authority Law has deposited with the Mayor of the City of Boston security to his satisfaction for the payment of such damages as may be awarded in accordance with law to the owner or owners of said area, as required by General Laws (Ter. Ed.) Chapter 79, Section 40;

NOW, THEREFORE, ORDERED that the Boston Redevelopment Authority, acting under the provisions of the Housing Authority Law and

without limiting the generality of the foregoing, of Section 26P, sub-paragraph (b), of General Laws (Ter. Ed.) Chapter 121, and all other authority thereunto enabling, and pursuant to the applicable provisions of General Laws (Ter. Ed.) Chapter 79, and of any and everyother power and authority to it, granted or implied, hereby takes for itself in fee simple by eminent domain for the purposes hereinbefore set forth, the area or areas located in the City of Boston as hereinafter described, including all parcels of land therein, together with any and all easements and rights appurtenant thereto, including the trees, buildings, and other structures standing upon or affixed thereto, and including the fee to the center of any and all public streets, highways and public ways, contiguous and adjacent to said area or areas, except any and all easements of travel in and to any and all public streets, highways, and public ways in said area or areas or contiguous and adjacent thereto, and except such parcels, easements or areas as are expressly excluded, said area or areas and the exceptions therefrom being bounded and described in "Annex A" attached hereto and made a part hereof as though incorporated herein in full and being shown on a plan, a copy of which is to be recorded herewith, consisting of one sheet, dated March 15, 1960, revised March 31, 1960, and drawn by Henry F. Bryant & Son Inc., Engineers, Brookline, Mass., which plan is entitled "Property Line Map, Whitney Redevelopment Area".

AND FURTHER ORDERED that the BOSTON REDEVELOPMENT AUTHORITY hereby awards the sum of one dollar ($1.00) as the total amount of damages sustained by the owner or owners and all other persons, including all mortgagees of record, having any and all interest in each parcel of the areas hereinabove described and entitled to any damages by reason of the taking hereby made; the word "parcel" as herein used being construed to mean any contiguous tract of land in the same ownership whether or not such tract consists of one or more platted lots or a fractional part thereof.

AND FURTHER ORDERED that the Secretary of the Boston Redevelopment Authority cause this instrument of Taking to be recorded in the office of the Suffolk County Registry of Deeds and the Land Registration Section in Boston, Massachusetts.

IN WITNESS WHEREOF, we, the following members of the Boston Redevelopment Authority have caused the corporate seal of the Authority to be hereto affixed and these presents to be signed in the name and behalf of the Boston Redevelopment Authority.

Dated: Boston, July 14, 1960

BOSTON REDEVELOPMENT AUTHORITY

By: Joseph W. Lund

(LS)

Malcolm J. Massucco

Stephen J. Gillooley

Attest:

Kane Simonian

Executive Director and Secretary

ANNEX A

BOSTON REDEVELOPMENT AUTHORITY
WHITNEY REDEVELOPMENT AREA

Bounded and described as follows:

Beginning at the southwesterly corner of Longwood Avenue and St. Alphonsus Street and running by St. Alphonsus Street S 25°-24'-08" W a distance of 1029.31 feet to Tremont Street; thence by said Tremont Street N 63°-51'-57" W a distance of 213.48 feet to an angle; thence continuing by Tremont Street N 64°-14'-47" W a distance of 166.03 feet to Worthington Street; thence by said Worthington Street N 24°-47'-35" E a distance of 103.62 feet to land of J. W. and M. V. Bates; thence by said land of J. W. & M. V. Bates S 65°-20'-59" E a distance of 80.00 feet to an angle; thence by said land of Bates and by lands of M. A. O'Brien, K. R. Gooding, P. L. & M. L. Lyons, J. P. & H. F. Koch, E. S. Kelleher, S. & M. Ferrara, M. Aberdee et al, W. Badowski, M. M. Roddy, M. L. & L. D. Smith, J. W. & M. D. Chandler, M. S. Simonton, D. J. Riley Heirs, W. C. & B. C. Burrell and land of J. F. Castigan N 24°-47'-35" E a distance of 293.23 feet to an angle; thence by said land of J. F. Castigan N 65°-20'-59" W a distance of 29.63 feet to an angle; thence N 24°-39'-01" E a distance of 0.42 feet to an angle; thence N 65°-20'-59" W a distance of 36.66 feet to an angle; thence S 24°-39'-01"W a distance of 0.42 feet to an angle; thence N 65°-20'-59"W a distance of 13.71 feet to Worthington Street the last four described lines running by said land of J. F. Castigan; thence

by said Worthington Street N 24°-47'-35" E a distance of 151.68 feet to land of John H. L. Sullivan et al; thence by said land of John H. L. Sullivan et al S 65°-12'-25" E a distance of 3.05 feet to an angle; thence continuing by said land of John H. L. Sullivan et al S 65°-29'-12" E a distance of 16.50 feet to land of John V. N. Stults; thence by said land of John V. N. Stults S 65°-12'-25" E a distance of 60.45 feet to an angle; thence by said land of John V. N. Stults and land of Haverhill Savings Bank and by remaining portion of Conant Street N 24°-27'-35" E a distance of 248.89 to Huntington Avenue, thence by said Huntington Avenue N 65°-15'-23" E a distance of 7.59 feet to an angle; thence continuing by said Huntington Avenue N 61°-54'-33" E a distance of 281.83 feet to Longwood Avenue; thence by said Longwood Avenue S 62°-26'-23" E a distance of 135.54 feet to the point of beginning and containing 314,627 square feet of land be the same more or less and all as shewn on "Property Line Map" of "Whitney Redevelopment Area" drawn by Henry F. Bryant & Son, Inc. - Engineers, dated March 15, 1960 and revised March 31, 1960 to be recorded herewith.

Portions of the above described premises are registered land court parcels being described in the following Certificates of Title in the Suffolk County Registry District: Certificate Numbers 62677, 51803, 37643, 50406, 46868, 56690, as follows:

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address:	126 Smith Street
Certificate No.:	62677, Suffolk Land Registration, Book 309, Page 77
Owner:	Michael J. Sullivan; Mary Sullivan 126 Smith Street, Roxbury, Mass.
Title Interest:	Equity - Tenants by entirety
Mortgage:	Joseph Warren Co-operative Bank 2371 Washington Street, Roxbury, Mass.
Estate Taken:	Fee
Purpose of Taking:	Land Assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Northeasterly by the southwesterly line of Smith Street, thirty (30) feet;
Southeasterly by lot 2, as shown on the plan hereinafter mentioned, thirty and 50/100 (30.50) feet;
Southerly by lot 1, as shown on said plan, the line running in part through the middle of a way three feet wide, as shown on said plan, twenty-seven and 88/100 (27.88) feet;
Southwesterly by said lot 1, ten and 21/100 (10.21) feet; and
Northwesterly by land now or formerly of John B. Lyons, fifty and 32/100 (50.32) feet.

Said land is shown as Lot 3 on a plan drawn by E. L. Moulton, Surveyor, dated June 11, 1924, as modified and approved by the Court, filed in the Land Registration Office as plan No. 10303-A, a copy of a portion of which is filed with certificate of title No. 18374.

So much of the above described land as is included within the limits of a way three feet wide and fourteen feet long between said lots 1 and 3, as shown on said plan, is subject to a right of way therein and there is appurtenant to the above described land a right of way in the whole of said way, as shown on said plan.

The above described land is subject to easements as set forth in a deed given by Thomas Maloney to the City of Boston dated May 25, 1891, duly recorded with Suffolk Deeds, Book 1997, Page 433.

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address: 46 Whitney Street

Certificate No.: 51803, Suffolk Land Registration, Book 255, Page 3

Owner: Carl A. Page;
Charlotte H. Page
40 Mystic Street, Arlington, Mass.

Title Interest: Equity - Tenants by entirety

Estate Taken: Fee

Purpose of Taking: Land assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Northeasterly by the southwesterly line of Smith Street, fifty-five and 20/100 (55.20) feet;
Southeasterly by Whitney Street, thirty and 11/100 (30.11) feet;
Southwesterly by lot 1 as shown on plan hereinafter mentioned, fifty-five and 25/100 (55.25) feet; and
Northwesterly by lot 3 as shown on said plan thirty and 50/100 (30.50) feet.

Said land is shown as lot two (2) on a plan drawn by E. L. Moulton, Surveyor, dated June 11, 1924, as modified and approved by the Court, filed in the Land Registration Office as plan No. 10303-A, a copy of a portion of which is filed with certificate of title No. 18374.

The above described land is subject to easements as set forth in a deed given by Thomas Maloney to the City of Boston, dated May 25, 1891, recorded with Suffolk Deeds Book 1997, Page 433.

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address:	42-44 Whitney Street
Certificate No.:	37643, Suffolk Land Registration, Book 184, Page 43
Owner:	Walter J. Proctor 74 Parklawn Road, West Roxbury, Mass.
Title Interest:	Equity
Mortgages:	South Boston Savings Bank 460 W. Broadway, South Boston, Mass. Walter P. Farrington
Estate Taken:	Fee
Purpose of Taking:	Land Assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Southeasterly by Whitney Street, thirty-one and 62/100 (31.62) feet;
Southwesterly by land now or formerly of Jennie Cantor, eighty-five and 30/100 (85.30) feet;
Northwesterly by land now or formerly of John B. Lyons, twelve (12) feet;
Northeasterly by lot 3 as shown on the plan hereinafter mentioned, ten and 21/100 (10.21) feet;
Northerly by said lot 3, the line running in part through the middle of a way three feet wide, as shown on said plan, twenty-seven and 88/100 (27.88) feet; and
Northeasterly by lot 2 as shown on said plan, fifty-five and 25/100 (55.25) feet.

Said land is shown as lot 1 on a plan drawn by E. L. Moulton, Surveyor, dated June 11, 1924, as modified and approved by the Court, filed in the Land Registration Office as plan No. 10303-A, a copy of a portion of which is filed with certificate of title No. 18374.

So much of the above described land as is included within the limits of a way three feet wide and fourteen feet long between said lots 1 and 3, as shown on said plan, is subject to a right of way therein and there is appurtenant to the above described land a right of way in the whole of said way, as shown on said plan.

The above described land is subject to easements as set forth in a deed given by Thomas Maloney to the City of Boston dated May 25, 1891, recorded with Suffolk Deeds, Book 1997, Page 433.

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address: 1589 Tremont Street

Certificate No.: 50406, Suffolk Land Registration
Book 248, Page 6

Owner: Romeo S. Vara,
married to Edna E. Vara
141 Wellesley Avenue, Needham Heights, Mass.

Title Interest: Equity

Estate Taken: Fee

Purpose of Taking: Land assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Southeasterly by Whitney Street, eighty-three and 68/100 (83.68) feet;
Southwesterly by Tremont Street fifty-three and 54/100 (53.54) feet;
Northwesterly fifty and 40/100 (50.40) feet;
Southwesterly five (5) feet, and
Northwesterly thirty-two and 23/100 (32.23) feet by land now or formerly of Rudolf Bartels; and
Northeasterly by land now or formerly of Catherine G. O'Leary fifty-nine (59) feet.
All of said boundaries are determined by the Court to be located as shown on a plan drawn by Walter R. Luby, Surveyor, dated September 8, 1947, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which will be filed the original certificate of title issued on this decree.

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address: 646-650A Huntington Avenue and 130-140 Longwood Avenue

Certificate No.: 46868, Suffolk Land Registration Book 230, Page 68

Owner: Katharine G. Davidson
1412 Commonwealth Avenue, Boston, Mass.

Title Interest: Equity

Estate Taken: Fee

Purpose of Taking: Land assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Northerly by the Southerly line of Huntington Avenue eighty-six and 36/100 (86.36) feet;
Northeasterly by Longwood Avenue one hundred thirty-five and 54/100 (135.54) feet;
Southeasterly by the northwesterly line of St. Alphonsus Street one hundred eight and 41/100 (108.41) feet;
Southwesterly one hundred twenty-eight and 83/100 (128.83) feet; and
Southerly three (3) feet by Reno Street; and
Westerly by land nowmor formerly of Robert T. Paine et al seventy (70) feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by Charles Fuller Whitney, Engineer, dated July 14, 1922, as modified and approved by the Court, filed in the Land Registration Office as plan No. 8930-A, a copy of a portion of which is filed with Certificate of Title No. 14784 and said land is shown thereon as lots A and B.

The easterly part of the above described land is subject to the restrictions set forth in a deed from Abraham W. Folsom et al to Maurice J. Moylan, dated April 27, 1893, duly recorded in B ook 2125 Page 126.

The above described land is subject to any easements acquired by the City of Boston under the following instruments:

one dated January 31, 1894, duly recorded in Book 2177, Page 542;
one dated February 5, 1883, duly recorded in Book 1587, Page 151;
one dated February 26, 1895, duly recorded in Book 2258, Page 610;
one dated February 26, 1895, duly recorded in Book 2258, Page 616; and
one dated February 26, 1895, duly recorded in Book 2258, Page 614.

REGISTERED LAND PARCELS WITHIN TAKEN AREA

Address: 119 Conant Street

Certificate No.: 56690, Suffolk Land Registration Book 279, Page 90

Owner: Pietro Nuzzi; Filomena Nuzzi 15 Columbia Street, Wellesley, Mass.

Title Interest: Equity - Tenants by entirety

Estate Taken: Fee

Purpose of Taking: Land assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Northerly forty-three and 47/100 (43.47) feet; and
Northeasterly eighty-five and 48/100 (85.48) feet by Reno Street;
Southeasterly by land now or formerly of Thomas V. Toohey, one hundred eight and 34/100 (108.34) feet;
Southwesterly by the northeasterly line of Conant Street, sixty-five and 78/100 (65.78) feet;
Northwesterly by land now or formerly of Esther M. Cassidy, the line running in part through the middle of a brick wall, sixty-five and 92/100 (65.92) feet;
Southwesterly by said Cassidy land, being the middle line of a way, forty-four and 04/100 (44.04) feet; and
Northwesterly by land now or formerly of Edward Konney et al, six and 53/100 (6.53) feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by William S. Crocker, Civil Engineer, dated January 14, 1938, as modified and approved by the Court, filed in the Land Registration Office as plan No. 16745-A, a copy of a portion of which is filed with certificate of title No. 37315.

So much of the above described land as is included within the limits of the passageway six and 84/100 (6.84) feet wide and the Way six (6) feet wide leading therefrom to Reno Street, is subject to rights appurtenant to said Cassidy land.

So much of the above described land as by implication of law is included within the limits of said Reno Street, is subject to the rights of all persons lawfully entitled thereto in and over the same.

The above described land is subject to, and has the benefit of, a party wall agreement between the Howard National Bank of Boston and Elizabeth W. Folsom dated July 25, 1899, recorded with Suffolk Deeds Book 2642 Page 119.

There is appurtenant to the above described land the right to use all of said Way six and 84/100 (6.84) feet wide and said Reno Street in common with others entitled thereto.

REGISTERED LAND PARCEL WITHIN TAKING AREA

Address: 112 Conant Street

Certificate No.: 54699, Suffolk Land Registration Book 279, Page 90

Owner: Pietro Ruati;
Filomena Ruati
15 Columbia Street, Wellesley, Mass.

Title Interest: Equity - Tenants by entirety

Estate Taken: Fee

Purpose of Taking: Land assembly and redevelopment project.

Description:

A certain parcel of land situated in Boston in the County of Suffolk and Commonwealth of Massachusetts, bounded and described as follows:

Northerly forty-three and 47/100 (43.47) feet; and
Northeasterly eighty-five and 18/100 (85.18) feet by Hanover Street;
Southeasterly by land now or formerly of Thomas V. Lodge, one hundred eight and 31/100 (108.31) feet;
Southwesterly by the northeasterly line of Conant Street, sixty-five and 78/100 (65.78) feet;
Northwesterly by land now or formerly of Easter M. Cassidy, the line running in part through the middle of a brick wall, sixty-five and 92/100 (65.92) feet;
Southwesterly by said Cassidy land, along the middle line of a wall, forty-four and 04/100 (44.04) feet; and
Northwesterly by land now or formerly of Edward Kurney et al, six and 32/100 (6.32) feet.

All of said boundaries are determined by the Court to be located as shown on a plan drawn by William E. Crocker, Civil Engineer, dated January 14, 1938, as modified and approved by the Court, filed in the Land Registration Office as plan No. 16716-A, a copy of a portion of which is filed with certificate of title No. 37232.

So much of the above described land as is included within the limits of the passageway six and 83/100 (6.83) feet wide and the way six (6) feet wide leading therefrom to Hunt Street, is subject to rights appurtenant to said Cassidy land.

So much of the above described land as by implication of law is included within the limits of said Hunt Street, is subject to the rights of all persons lawfully entitled thereto in and over the same.

The above described land is subject to, and has the benefit of, a party wall agreement between the Howard National Bank of Boston and Elizabeth W. Adams dated July 25, 1899, recorded with Suffolk Deeds Book 2612 Page 149.

There is appurtenant to the above described land the rights to use all of said way six and 83/100 (6.83) feet wide and said Hunt Street in common with others entitled thereto.